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CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 15, 1995
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt and Acting City Clerk Taylor

2. INVOCATION

The invocation was given by Jonathan Merica, Providence Reformed Church

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented a proclamation to Craig Gustafson and Rito Meza proclaiming the week of February 18 - 25, 1995 as "Future Farmers of America (FFA) Week".
FILE NO. CC-37
- b) Assistant City Manager Jerry Glenn presented Mayor Mann with a copy of the check received from the California Joint Powers Risk Management Association (CJPRMA) in the form of a rebate from 1986-87 in the amount of \$74,375.00.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted** which were moved to the end of the consent calendar:

- a) Claims were approved in the amount of \$3,543,754.76.
FILE NO. CC-21(a)
- b) The Minutes of February 1, 1995 (Regular Meeting) were approved as written.
(Following approval of the minutes, Mr. Davenport filed a memorandum entitled "Mayors Failure to Follow Procedure During the Regular Council Meeting of February 1, 1995, Specifically, Violations of City Resolution No. 93-35, Ordinance No. 1566 and Rules for Personnel Administration, Article XIII, Section 13.02", a copy of which is on file in the City Clerk's office.)
FILE NO. CC-1(b)
- c) Approved the plans and specifications for Well 16, 1426 West Century Boulevard, removal and replacement of spent granular activated carbon, and authorized advertising for bids.
FILE NO. 12.1(c)

- d) Agenda item #E-4 entitled, "Specifications and advertisement for bids for photocopiers (2) for Community Development Department and Parks and Recreation Department" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport).
- e) Accepted the improvements under the "Holly Drive Storm Drain and Water Main, Ham Lane to 150 Feet East of Fairmont Avenue" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-27(c) and CC-90
- f) Adopted Resolution No. 95-19 approving the installation of "No Parking" zones on Turner Road west of Sacramento Street (adjacent to River Pointe).
FILE NO. CC-48(h) and CC-300
- g) Adopted Resolution No. 95-20 granting permission for destruction of certain obsolete records in the Finance Department as follows:
 - 1986-1991 canceled payroll and accounts payable checks, meter and final pages, work order number listings, overtime reports, window receipts, administrative leave balances, vacation accruals, union dues deductions, billing registers, business license applications, employee balances and step increases.
FILE NO. CC-6, CC-21(a) and CC-300
- h) Adopted Resolution No. 95-21 granting permission for destruction of certain obsolete records in the City Clerk's office:
 - 11 project contracts dated 1988-1992 pertaining to Type II Slurry Seal, Lane Line Painting, standby generator for public safety building, Well 24 chain link fence, Almond Drive curb, gutter and sidewalk
 - 361 verified claims for rejection dated from 1942 to 1983
FILE NO. CC-6 and CC-300
- i) Set public hearing for March 15, 1995 to solicit public comments and project ideas and to consider 1995-96 Community Development Block Grant (CDBG) allocation.
FILE NO. CC-55

7. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Warner second, approved the specifications for two photocopiers, one for Community Development and one for the Parks Department, and authorized the advertisement for bids.
FILE NO. CC-12(d)

8. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to receive testimony on the proposed Business License Tax Ordinance.

Hearing Opened to the Public

1. Matt Petrick, 830 York Street, Lodi, spoke in favor of the business license tax ordinance on behalf of the Lodi Community Concert Association, Inc.
2. Jack Ronsko, 1242 Devine Drive, Lodi, stated the home occupation permit section states that persons are exempt from the requirement of obtaining a business license if they make less than \$3,000 per year, and asked that Council consider increasing the allowable exemption rate for home occupation permits.
3. Theo Vandenberg, 21 S. Crescent Avenue, Lodi, spoke in favor of the proposed ordinance, and stated it is long overdue.
4. Tim Mattheis, 131 S. Crescent Avenue, Lodi, spoke in favor of the ordinance, and further stated the tax is not out of line and would encourage a higher rate option.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Mann second, adopted Resolution No. 95-22 setting the tax rates for the business license tax as Option 1 of the tax rate for groups 1, 2, 3, 4 and 5, and Option 3 of the tax rate for Group 6, and introduced Ordinance No. 1607 entitled, "An Ordinance of the City of Lodi Repealing Chapter 5.04 and 9.16.010 B of the Lodi Municipal Code and Adding Chapters 3.01 and 9.16.010 B to the Lodi Municipal Code Relating to Business Tax Certification and Business Permits" by the following votes:

Ayes: Council Members - Pennino, Sieglock and Mann (Mayor)
Noes: Council Members - Davenport and Warner
Absent: Council Members - None

FILE NO. CC-21(a), CC-132, CC-149, CC-177 and CC-300

9. COMMUNICATIONS (CITY CLERK)

a) City Clerk Taylor read the following ABC Licenses:

1. Aksarben Pizza Corporation (John Chisholm, President/Director; Vincent Morrissey, Vice President/Director; and Pat L. Kelley, Secretary/Treasurer), Godfather's Pizza, 1413 South Church Street, Lodi, On Sale Beer and Wine Eating Place, Original License.
2. Anupam Sidhu, El Tokay Market, 10 East Tokay Street, Lodi, Off Sale General, Person to Person Transfer.
FILE NO. CC-7(f)

b) The City Council, on motion of Council Member Warner, Davenport second, unanimously made the following appointments to the Senior Citizens Commission:

Senior Citizens Commission

Robert J. Maus	Term to expire December 31, 1996
Perry Schimke	Term to expire December 31, 1996
FILE NO. CC-2(i)	

10. RECESS

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 8:35 p.m.

11. REGULAR CALENDAR

- a) Regarding the request for a four-way stop at Century Boulevard and Scarborough Drive, Council Member Davenport made a motion that speed bumps be placed in the vicinity of the intersection to help deter the problem of speeding motorists. Motion **died** for lack of a second.

The City Council, on motion of Council Member Sieglock, Pennino second, unanimously directed Police Chief Hansen to increase patrol enforcement in the area.

Council Member Mann, Davenport second, made a motion that a four-way stop be set up at the intersection of Century Boulevard and Scarborough Drive on a six month trial basis. Motion **failed** by the following vote:

Ayes: Council Members - Davenport and Mann (Mayor)
Noes: Council Members - Pennino, Sieglock and Warner
Absent: Council Members - None

Speaking in support of increasing patrol and issuing citations was Don Power, 1825 South Church Street, Lodi.
FILE NO. CC-48(a) and CC-179

- b) The City Council, on motion of Council Member Pennino, Sieglock second, approved the commitment of an initial \$2,500, and a maximum of \$5,000 of contingency funds to John A. Griffin, Griffin Grant Writing and Consulting, to assist the Lodi Police Department in the writing and application of federal funds under the Crime Bill Grant, which has a deadline of March 16, 1995, by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-90 and CC-152

- c) The City Council, on motion of Council Member Sieglock, Warner second, adopted Resolution No. 95-23 authorizing the purchase of four police patrol sedans from Melrose Ford of Oakland, California to include emergency equipment and maintenance manuals for a total expenditure of \$99,243.84.

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-152 and CC-300

- d) The City Council, on motion of Council Member Sieglock, Pennino second, unanimously adopted Resolution No. 95-24 approving the 1994/95 Transportation Development Act (TDA) claim for submittal to the Council of Governments (COG) for request of available funds for transit and street maintenance projects.
FILE NO. CC-7(n), CC-11(b) and CC-300

- e) The City Council, on motion of Council Member Sieglock, Mann second, unanimously directed staff to contact 3M National Advertising Company for alternative options to the three year contract presented, and return to the Council for discussion and approval.

Speaking in favor of the contract was Jim Schwackardt, 2335 Woodlake Circle, Lodi, President of the Lodi Chamber of Commerce.

- f) The City Council, on motion of Council Member Pennino, Warner second, unanimously approved standardization of one paging service utilizing the contract recently negotiated by San Joaquin County for paging service with Airsignal Inc.
FILE NO. CC-7(b), CC-90 and CC-152

12. ORDINANCES

- a) The City Council, on motion of Council Member Sieglock, Davenport second, voted to table Ordinance No. 1605 entitled, "An Ordinance of the City Council of the City of Lodi Repealing In Its Entirety Municipal Code Title 6 Chapter 6.04 Through 6.16 as Currently Enacted and Reenacting This Title" (Regarding Animal Control Provisions), and directed staff to reintroduce the ordinance with elimination of Chapter 6.10 - animal fancier permit, inclusion noise abatement provision for potbelly pigs, and additional language allowing the grandfathering in of potbelly pigs, by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking on the matter were the following:

1. Rose Hilliard, 17535 East Kettleman Lane, Lodi, spoke in opposition to the ordinance, stating potbelly pigs should be allowed to remain in Lodi; expressed concern over the lack of lawful and humane language in the ordinance; and asked Council to consider simplifying the language and enforcement with regard to barking dogs.
2. Don Power, 1825 S. Church Street, Lodi, spoke in opposition to the ordinance and stated potbelly pigs currently residing in Lodi should be allowed to remain. Mr. Power added that potbelly pigs are domesticated pets, not farm animals, and further suggested these pigs could be regulated by height, weight and length requirements.
3. Kurt Siebert, 1401 West Locust, Lodi, spoke in opposition to the ordinance, spoke in favor of allowing existing potbelly pigs to remain in Lodi, and does not believe they are a health or safety issue.
4. Judy Myron, 2404 West Turner Road, Lodi, spoke in support of the ordinance and pointed out that the ordinance identifies them as "livestock".
5. Tommy Power, 1825 South Church Street spoke in opposition of the ordinance and asked that he be allowed to keep his potbelly pig.
6. Peter Patch, 302 West Locust Street, spoke in opposition to the ordinance, and stated the City should allow potbelly pigs currently within City limits to remain, but allow no more pigs.

7. Lori Blanke, Lodi, spoke in opposition of the ordinance, and in favor of allowing potbelly pigs who currently reside in Lodi to stay.
8. Robin Snyder, Lodi, spoke in favor of the ordinance which does not allow pigs, stating the noise is a problem and they should not be allowed.
9. Theresa Snow, 629 North Sacramento Street spoke in opposition to the ordinance and asked that Council consider adding potbelly pigs to the ordinance on a grandfathering in basis.

FILE NO. CC-65 and CC-149

13. RECESS

Mayor Mann declared a ten-minute recess and the City Council meeting reconvened at approximately 10:47 p.m.

14. ORDINANCES (Continued)

- b) Ordinance No. 1606 entitled, "An Ordinance of the City Council of the City of Lodi Creating Chapter 8.20 of the City Code Entitled, 'Hazardous Substances; Recovery of Costs'", having been introduced at a regular meeting of the Lodi City Council held February 1, 1995 was brought up for passage on motion of Council Member Sieglock, Warner second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-24(a), CC-24(d), CC-112 and CC-149

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

16. VOTE TO CONTINUE WITH MEETING FOLLOWING 11:00 P.M. HOUR

The City Council, on motion of Council Member Sieglock, Davenport second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

17. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: (1) reminded everyone to be ever mindful of gangs; (2) would like to have a status from the Boys and Girls Club (Mr. Peterson stated he would invite Mr. Jones to present a status report to the Council at a future meeting); (3) stated he believes we need another recreation facility at Hale Park; (4) noted that the City is currently in negotiations with International Brotherhood of Electrical Workers (IBEW) and United Firefighters of Lodi (UFL); (5) announced the City Clerk is on maternity leave and will be gone approximately 5 months; (6) wished Barbara Reed's husband a speedy recovery; (7) announced that Mr. Glenn is seeking the City Manager's position, and that

the City Manager will be retiring in August; (8) was pleased to note that Cambridge Place is participating in a condominium recycling program and would encourage others to follow the plan; (9) stated he would like to see pulled consent calendar items completed after approval of the consent calendar instead of moving them to the end of the meeting for discussion and action.

- b) Council Member Pennino informed Council that the San Joaquin Council of Governments (COG) Rail Commission, formed last year, is currently working with Union Pacific and Southern Pacific to provide commuter service over the Altamont, and that the Rail Commission has decided to form a Joint Powers Association agreement to negotiate contracts and purchase items. Mr. Pennino recently had an opportunity to ride the trains in San Jose and observe their operation which was very impressive, and further stated rail service to Stockton should be available in approximately one year, with Lodi possibly being one of the stops on the rail project.
FILE NO. CC-7(n) and CC-50
- c) Council Member Sieglöck extended congratulations to Richard Prima, Lodi City Engineer, on receiving the award for "Engineer of the Year" in San Joaquin County, stating he is certainly the best of the best; (2) responded to Mr. Davenport's comments regarding consent calendar items, stating following the agenda is best, but when 9 of 14 items are pulled for questions that could have been asked prior to the meeting, this causes delays in completing other items on the agenda, and it isn't fair to the citizens, Council, or staff.
- d) Mayor Mann asked Council Members to review the memorandum from the City Attorney, addressing the consent calendar, specifically the portion which states that upon motion action, sending consent items to the end of the agenda is quite in order, and further states that calling for orders of the day, in fact, becomes quite out of order.

18. CLOSED SESSION

Mayor Mann adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Personnel - Review position of Economic Development Coordinator
- b) Personnel - City Manager recruitment process

19. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Mann reconvened the City Council meeting at approximately 12:24 a.m. and disclosed the following actions:

Personnel - Review position of Economic Development Coordinator

No final action was taken.
FILE NO. CC-200(b)

Personnel - City Manager recruitment process

No final action was taken.
FILE NO. CC-200(b)

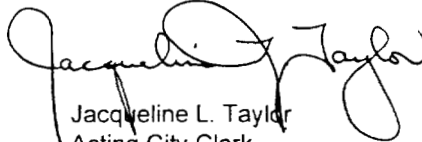
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Continued February 15, 1995

20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 12:25 a.m., Thursday, February 16, 1995.

ATTEST:



Jacqueline L. Taylor
Acting City Clerk